
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Michael A. Shipp
 :
 v. : Mag. No. 10-6135 (MAS)
 :
 JUSTIN BIRDSALL : CRIMINAL COMPLAINT


I, Amy Veivia, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 1, 2009, in Bergen County, in the District of New Jersey, and elsewhere, defendant Justin Birdsall:

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images were mailed and shipped and transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT A


continued on the attached page and made a part hereof.



Amy Veivia, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
November 8th, 2010 at Newark, New Jersey

HONORABLE MICHAEL A. SHIPP
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Amy Veivia, a Special Agent with the Federal Bureau of Investigation, having conducted an investigation and discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. On or about December 1, 2009, law enforcement officers executed a search warrant at a single-family house in Paramus, New Jersey 07652 (the "Residence"). Justin Birdsall ("Defendant Birdsall") resided at the Residence with his parents and three younger siblings, ages 17, 13, and 8. Among the items seized at the Residence were one desktop computer and one laptop computer (the "Computer Hard Drives").

2. Following seizure of the Computer Hard Drives, law enforcement officers reviewed the contents of the Computer Hard Drives. Among the files found on the Computer Hard Drives were approximately 1812 images and 74 videos of what appear to be child pornography as defined by Title 18, United States Code, Section 2256(8). Three of the images found on the Computer Hard Drives are described as follows:

- A. **Image One (!!!!!!!!!!!!!adult18-08(5).jpg):** This image depicts a prepubescent male, who is wearing a beige and blue shirt and is lying on a bed. An adult male is leaning against the bed and has his genitals inserted into the prepubescent male's mouth.
- B. **Image Two (!!!!![Preteen Boys]-11yo-mark_dadplay-bbsuck(10.JPG):** This image depicts a naked prepubescent male. The image shows the prepubescent male kneeling between the legs of an adult male. The prepubescent male is performing oral sex on the adult male.
- C. **Image Three (1(350.jpg):** This image depicts a prepubescent male lying on his back. The prepubescent male has semen on his genitals and groin area. An adult male has his hand on the prepubescent male's groin area and his index finger is touching the prepubescent male's genitals.

3. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images described in paragraphs 2A through 2C above were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, that is, the images were downloaded from the Internet, based upon, among other things, their location on the Computer Hard Drives.

4. On or about December 1, 2009, Defendant Birdsall admitted, in substance and in part, that the images of child pornography located on the Computer Hard Drives belonged to him, and that he had been collecting child pornography since approximately October of 2008.